

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

CLEVELAND SOUTHERS,)	
Petitioner,)	Civil Case No. 7:12cv00422
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
CARL A. MANIS,)	By: Norman K. Moon
Respondent.)	United States District Judge

Cleveland Southers, a Virginia inmate proceeding *pro se*, filed this petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254; however, he alleges no ground upon which he believes he is entitled to habeas relief. Pursuant to Rule 4 of the Rules Governing Section 2254 Proceedings, the court must dismiss a petition “if it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief” Because Southers alleges no habeas claim, I find that it plainly appears that he is not entitled to habeas relief. Accordingly, I will dismiss this action without prejudice to Southers’ opportunity to refile his petition and allege grounds for relief.¹

The Clerk of the Court is directed to send a copy of this memorandum opinion and the accompanying order to petitioner.

ENTER: This 27th day of September, 2012.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE

¹ The court notes that if Southers wishes to refile his petition, it is subject to the statute of limitations set forth in 28 U.S.C. § 2244(d)(1)(A - D).